

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

CLIFFORD BOYNES, et al.)	
)	
Plaintiffs)	
)	
v.)	Civil Action No. 2021-253
)	
)	
LIMETREE BAY VENTURES, LLC)	
)	
Defendants)	
)	
)	

**AMENDED MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION AGAINST LIMETREE BAY REFINING, LLC AND
LIMETREE BAY TERMINALS, LLC**

NOW INTO COURT come Plaintiffs, individually and on behalf of themselves and all others similarly situated as defined in their operative Complaints (“Class Members”), and hereby move this Court for a temporary restraining order and preliminary injunction against Limetree Bay Refining, LLC, and Limetree Bay Terminals, LLC (d/b/a Ocean Point Terminals) (the “Injunction Defendants”).

As set forth more fully in the attached memorandum, Plaintiffs and Class Members seek a temporary restraining order and preliminary injunction ordering the Injunction Defendants to provide Plaintiffs and Class Members with safe, clean, and potable water and to immediately remediate, at a minimum, roofs, pipes, and cisterns that are contaminated with constituents emitted by the Injunction Defendants. Plaintiffs have a likelihood of success on the merits of their negligence *per se*, common law trespass, and statutory private nuisance claims under 28 V.I.C. §133. An order requiring the Injunction Defendants to supply Plaintiffs and Class Members with safe, clean, and potable water and to remediate contaminated roofs, pipes, and cisterns will prevent

Plaintiffs from suffering irreparable harm and will not cause any material harm to the Injunction Defendants, who are undoubtedly the source of the contaminated water supply and who have the resources to provide life-sustaining water to Plaintiffs and Class Members.

WHEREFORE, Plaintiffs pray for an order requiring the Injunction Defendants to supply Plaintiffs and Class Members with safe, clean, and potable water and to remediate contaminated roofs, pipes, and cisterns.

Dated: February 3, 2023

Respectfully submitted,

/s/ Hugh Lambert

Hugh Lambert (admitted *pro hac vice*)

J. Christopher Zainey (admitted *pro hac vice*)

Brian Mersman (admitted *pro hac vice*)

LAMBERT ZAINNEY SMITH & SOSO, APLC

701 Magazine Street

New Orleans, Louisiana 70130

Telephone: (504) 581-1750

Facsimile: (504) 529-2931

hlambert@lambertzainey.com

czainey@lambertzainey.com

bmersman@lambertzainey.com

Kerry J. Miller (admitted *pro hac vice*)

Paul C. Thibodeaux (admitted *pro hac vice*)

E. Blair Schilling (admitted *pro hac vice*)

Rebekka C. Veith (admitted *pro hac vice*)

C. Hogan Paschal (admitted *pro hac vice*)

FISHMAN HAYGOOD, L.L.P.

201 St. Charles Avenue, 46th Floor

New Orleans, Louisiana 70170

Telephone: (504) 586-5252

kmiller@fishmanhaygood.com

pthibodeaux@fishmanhaygood.com

bschilling@fishmanhaygood.com

rveith@fishmanhaygood.com

hpaschal@fishmanhaygood.com

Jennifer Jones, Esq. (Bar No. 686)

LAW OFFICES OF JENNIFER JONES

9003 Havensight Mall, Ste. 319
St. Thomas, V.I. 00802
Telephone: (340) 779-7386
Facsimile: (340) 714-5080
jjones@vienvironmentallaw.com

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing with the Court's ECF system on February 3, 2023, which sent notice to all counsel of record.

/s/ Hugh Lambert